

**AUBURN CITY COUNCIL MINUTES
REGULAR SESSION**

October 10, 2005

Closed Session 5:30 p.m.

Regular Session 6:00 p.m.

The Regular Session of the Auburn City Council was held in the Council Chamber, City Hall at 1225 Lincoln Way, Auburn, California with Mayor Alice Dowdin presiding and City Clerk Joseph G.R. Labrie recording the minutes.

CALL TO ORDER

ROLL CALL

Council Members Present: Kevin Hanley, Mike Holmes, Keith Nesbitt, Bob Snyder, Mayor Alice Dowdin

Council Members Absent: None

Staff Members Present: City Manager Bob Richardson
City Attorney Mike Colantuono
Fire Chief Mark D'Ambrogio
Public Works Director Charles Clark
Finance Director Andy Heath
Police Captain Valerie Harris

By **MOTION** adjourn to a closed session under Government Code Section 54957.6: **WITHOUT OBJECTION.**

CONFERENCE WITH LABOR NEGOTIATORS

Agency Designated Representatives: David Mackowiak, Robert Richardson

Employee Organization: Auburn Firefighters Association

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ANNOUNCEMENTS None.

AGENDA APPROVAL Approved.

CONSENT CALENDAR

1. **Warrants**

By **RESOLUTION 05-114** approve Warrants #61008 through #61369 totaling \$960,589.21.

2. **Minutes**

By **MOTION** approve the City Council Minutes of August 22 and September 12, 2005.

3. **Fire Department Service Fee Schedule**

By **RESOLUTION 05-115** approve the Fire Department Service Fee Schedule.

4. **Festival of Lights Parade Funding Request**

By **RESOLUTION 05-116** approve the funding request of \$1,000 to support the Festival of Lights Parade.

5. **City Attorney Services Agreement**

By **RESOLUTION 05-117** approve legal services agreement with Michael Colantuono and Colantuono & Levine, PC, for City Attorney services.

***** End of Consent Calendar *****

By **MOTION** approve Consent Calendar. **MOTION: Holmes/Snyder/ Approved 5:0**

CITY CLERK to administer oath to City Attorney Michael Colantuono.

City Clerk Joe Labrie administered the oath.

6. **Public Comment**

Council Member Holmes said he had met with property owners along the Nevada Street corridor. He said some of them were fearful that their properties would be rezoned.

PUBLIC HEARING

7. **Repeal of Municipal Code Chapter 121 : Medical Marijuana Dispensaries-1st Reading**

Police Captain Valerie Harris said that Council Member Hanley and Police Chief Willick felt that the City should repeal the recently enacted ordinance

in order to comply with federal law, even though it is in compliance with state law.

Council Member Nesbitt said there were times during his wife's treatment for cancer that, if it would have relieved her symptoms, he would have obtained the medical marijuana legally, illegally or otherwise because he witnessed her suffering. He said he does believe in the compassionate use of marijuana. He said *"I have a really hard time with the federal government overruling the will of the California electorate."* However, he said he would support a public hearing on this matter. He would not support the repeal without *"a very highly visible public ordinance to see how our constituents feel. I represent my constituents."*

Council Member Holmes pointed out that to date there have been no applications to establish a medical marijuana dispensary in the City of Auburn. He said he saw no urgency for this repeal, but does not object to holding a public hearing to hear both sides of this issue.

Alex Colsen of Auburn said he had a medical condition that can only be treated by cannabis and for which his doctor recommended the use of cannabis. He said the City should embrace the compassionate use of cannabis for sick people. He feels the federal government is controlled by the pharmaceutical industry.

Joe Labrie of Auburn asked why the federal government does not comply with the wishes of the people and the American Medical Association. He asked that the Council leave the current ordinance on the books.

By **MOTION** direct staff to set a Public Hearing to consider repealing Auburn Municipal Code Chapter 121 "Medical Marijuana Dispensaries" and to propose an **ORDINANCE** that would make it a misdemeanor to operate such dispensaries within the City of Auburn similar to the one adopted in Roseville. **MOTION: Hanley/Snyder/Approved 5:0**

REPORTS

8a. **Informational Reports from Staff**

Public Works Director's Report on the Street Pavement Overlay Plan for the next ten years.

Public Works Director Charles Clark gave a brief summary of his department's plans for street pavement and how the streets are prioritized.

Council Member Holmes said he was “*taken aback*” by how so few people, who complained about the streets in Auburn, showed up at the town hall meeting.

8b. **City Council Committee Reports**

Council Member Snyder said the Fire Safe Council identified their next important need to be the proper identification of each house with street numbers that can be recognized.

Mr. Snyder also talked about how the Placer County Transportation Planning Agency is attempting to acquire more money for various transportation projects in the county.

Council Member Nesbitt spoke about the Solid Waste Taskforce. He added that on Saturday, October 15th, there will be a household hazardous waste collection event at the Gold Country Fairgrounds.

Mr. Nesbitt said the Traffic Committee is researching the idea of residential permit parking for certain residential streets.

Mayor Dowdin said the Sierra Nevada Conservancy had hired a new executive officer. She added that the League of California Cities voted 135 to 124 in favor of Proposition 76 (the spend-within-your-limits Proposition championed by the Governor). There was a lot of debate about this contentious issue.

COUNCIL BUSINESS

9. **Amendment to Arts Commission Ordinance: Arts Commission – 2nd Reading**

No discussion by the public or the Council.

By **ORDINANCE 05-9** approve an amendment to Chapter 101 of Title IX of the Auburn Municipal Code, Section 101.102(B) eliminating the two-term limit for commissioners. **MOTION: Holmes/Nesbitt/Approved 5:0**

Second reading by City Attorney Mike Colantuono.

Adjournment at 7:04 p.m.

Alice Dowdin, Mayor

Joseph G.R. Labrie, City Clerk

